

ORIGINAL

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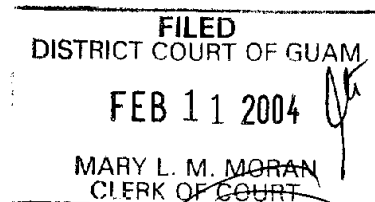
Tel No. 671.472.6813

Attorneys for Defendant

Continental Micronesia, Inc. dba

Continental Micronesia and

Continental Airlines, Inc.



IN THE DISTRICT COURT OF GUAM

TONY H. ASHTIANI,

Plaintiff,

vs.

CONTINENTAL MICRONESIA, INC. dba
CONTINENTAL MICRONESIA and
CONTINENTAL AIRLINES, INC.,

Defendant.

CIVIL CASE NO. CV02-00032

**DISAGREEMENT OF HEARING
DATE; DECLARATION OF ELYZE
MCDONALD**

DISAGREEMENT OF HEARING DATE

Pursuant to Local Rule 7.1, Defendant Continental Micronesia, Inc. hereby acknowledges the following:

1. I, David Ledger, am the attorney for Continental in this matter. My associate Elyze McDonald contacted pro se Plaintiff Tony H. Ashtiani on February 4, 2004, to agree upon a date for oral argument on Continental's Motion for Rule 11 Sanctions. See Ex. A [Decl. of Elyze McDonald (attached hereto)].

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**DECLARATION OF ELYZE
McDONALD**

I, Elyze McDonald, declare under risk and penalty of perjury the following:

1. I am an attorney at law licensed to practice before the Courts of the Territory of Guam and before this Court. I am an associate with the law firm of Carlsmith Ball LLP, attorneys of record for Defendant Continental Micronesia, Inc.

2. If called as a witness, I would and could competently testify thereto to all facts within my personal knowledge except where stated upon information and belief.

EXHIBIT A

3. I contacted pro se Plaintiff Tony H. Ashtiani on February 4, 2004, to agree upon a date for oral argument on Continental's Motion for Rule 11 Sanctions.

4. Mr. Ashtiani did not agree to a hearing date.

5. I called the Court to confirm whether the Court was available to hear Continental's Motion for Sanctions on March 12, 2004. Court Clerk Renee Martinez stated that the Court is available on that date at 10:00 a.m.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed this 9th day of February 2004, at Honolulu, Hawaii.


ELYZE MCDONALD